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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re Capacitors Antitrust Litigation

MDL No. 17-md-02801-JD

This document relates to:

*Jaco Electronics, Inc. et al. v. Nippon Chemi-Con
Co. et al., Case No. 19-cv-01902-JD*

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING WAIVER OF
SERVICE AND EXTENSION OF TIME
FOR DEFENDANTS TO RESPOND TO
COMPLAINT**

1 Plaintiffs Jaco Electronics, Inc. and Vermont Street Acquisition, LLC (collectively, “Jaco”
2 or “Plaintiffs”) filed a complaint in the above-captioned case against Nippon Chemi-Con
3 Corporation; United Chemi-Con, Inc.; Hitachi Chemical Co., Ltd.; Hitachi AIC, Inc.; Hitachi
4 Chemical Co. America, Ltd.; Nichicon Corporation; Nichicon (America) Corporation; Rubycon
5 Corporation; Rubycon America, Inc.; ELNA Co., Ltd.; ELNA America, Inc.; Matsuo Electric
6 Co., Ltd.; TOSHIN KOGYO Co., Ltd.; Taitso Corporation; Taitso America, Inc.; Shinyei Kaisha;
7 Shinyei Technology Co., Ltd.; Shinyei Capacitor Co., Ltd.; Shinyei Corporation of America,
8 Inc.; Nissei Electric Co., Ltd.; Soshin Electric Co., Ltd.; and Soshin Electronics of America, Inc.
9 (the “Stipulating Defendants”) on March 13, 2019;

10 WHEREAS, Jaco wishes to avoid the burden and expense of serving process on the
11 Stipulating Defendants;

12 WHEREAS, the Stipulation Defendants desire a reasonable amount of time to respond to
13 the Complaint;

14 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the
15 undersigned counsel, on behalf of their respective clients, Jaco and the Stipulating Defendants, as
16 follows:

17 1. The Stipulating Defendants waive service of the Complaint under Federal Rule of
18 Civil Procedure 4(d). This stipulation does not constitute a waiver by the Stipulating Defendants
19 of any other substantive or procedural defense.

20 2. The Stipulating Defendants shall file any pre-answer motions by June 21, 2019.

21 3. The Stipulating Defendants shall answer the Complaint on or before June 28,
22 2019.

23 4. Jaco and the Stipulating Defendants do not anticipate the need for significant
24 discovery beyond that which has already occurred in the MDL and specifically agree that there
25 shall be no additional fact discovery from the Stipulating Defendants, aside from limited Jaco-
26 specific supplemental expert discovery and any discovery that may be required as a result of
27 Jaco-specific defenses (Jaco will not duplicate discovery previously taken in the MDL) and has
28 not been subject to discovery during any other stage of the litigation.

5. The Parties further agree that subject to any applicable protective orders, all discovery previously taken or received by the parties in *In re Capacitors Antitrust Litigation*, 17-md-2801, shall be usable in this case by the Defendants or Jaco during discovery, in pretrial motions, at trial, or for any other purpose to the same degree as if the discovery was taken in this case.

6. Attached as Exhibit A to this Stipulation is a proposed schedule for Jaco-specific discovery. The parties will make themselves available at the Court's convenience to discuss if requested.

DATED: June 3, 2019

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: June 19, 2019

By: 

UNITED STATES DISTRICT COURT JUDGE

EXHIBIT A

Event	Deadline
Jaco document production substantially complete	June 14, 2019
Defendants' deadline to file any pre-answer motions	June 21, 2019
Defendants' deadline to file Answers	June 28, 2019
Completion of depositions of Jaco employees	July 12, 2019
Deadline for Plaintiffs to supplemental expert report with respect to Jaco only	July 12, 2019
Deadline for Defendants to supplement expert reports with respect to Jaco only	August 7, 2019
Deadline for Plaintiffs' Jaco-specific rebuttal expert report	August 30, 2019
Putative summary judgment and other dispositive motions	Any arguments made will apply to Jaco unless supplementation is necessary
Putative Daubert Motions	Any Daubert rulings will apply to Jaco equally